

AMENDED IN SENATE AUGUST 20, 2010

AMENDED IN SENATE AUGUST 18, 2010

AMENDED IN SENATE JUNE 23, 2010

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY APRIL 13, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1822

Introduced by Assembly Member Swanson

February 11, 2010

An act to amend Section 4600.5 of the Business and Professions Code, relating to massage therapy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1822, as amended, Swanson. Massage therapy.

Existing law, until January 1, 2016, provides for the voluntary certification of massage practitioners and massage therapists by a nonprofit Massage Therapy Organization that is and governed by a board of directors, and imposes certain duties on that organization.

This bill would add 2 members to the board of directors of the Massage Therapy Organization who would be selected by specified peace officer associations, *and would limit the number of law enforcement professionals that may serve on the board of directors.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 4600.5 of the Business and Professions Code is amended to read:

4600.5. (a) A Massage Therapy Organization, as defined in subdivision (e) of Section 4600, shall be created and shall have the responsibilities and duties set forth in this chapter. The organization may take any reasonable actions to carry out the responsibilities and duties set forth in this chapter, including, but not limited to, hiring staff and entering into contracts.

(b) (1) The organization shall be governed by a board of directors made up of two representatives selected by each professional society, association, or other entity, whose membership is comprised of massage therapists and that chooses to participate in the organization. To qualify, a professional society, association, or other entity shall have a dues-paying membership in California of at least 1,000 individuals for the last three years, and shall have bylaws that require its members to comply with a code of ethics. The board of directors shall also include each of the following persons:

(A) One member selected by each statewide association of private postsecondary schools incorporated on or before January 1, 2010, whose member schools have together had at least 1,000 graduates in each of the previous three years from massage therapy programs meeting the approval standards set forth in subdivision (a) of Section 4600, except from those qualifying associations that choose not to exercise this right of selection.

(B) One member selected by the League of California Cities, unless that entity chooses not to exercise this right of selection.

(C) One member selected by the California State Association of Counties, unless that entity chooses not to exercise this right of selection.

(D) One member selected by the Director of Consumer Affairs, unless that entity chooses not to exercise this right of selection.

(E) One member appointed by the Chancellor's Office of the California Community Colleges, unless that entity chooses not to exercise this right of selection. The person appointed, if any, shall not be part of any massage therapy certificate or degree program.

1 (F) One member selected by the California Police Chiefs
2 Association, unless that entity chooses not to exercise this right of
3 selection.

4 (G) One member selected by the California State Sheriffs'
5 Association, unless that entity chooses not to exercise this right of
6 selection.

7 (2) *No more than two law enforcement professionals may serve*
8 *on the board at any given time and those members may only be*
9 *selected by the organizations specified in subparagraphs (F) and*
10 *(G) of paragraph (1).*

11 ~~(2)~~
12 (3) The organization's bylaws shall establish a process for
13 appointing other professional directors as determined by the board.

14 ~~(3)~~
15 (4) The initial board of directors shall establish the organization,
16 initiate the request for tax-exempt status from the Internal Revenue
17 Service, and solicit input from the massage community concerning
18 the operations of the organization. The initial board of directors,
19 in its discretion, may immediately undertake to issue the certificates
20 authorized by this chapter after adopting the necessary bylaws or
21 other rules, or may establish by adoption of bylaws the permanent
22 governing structure prior to issuing certificates.

23 (c) The board of directors shall establish fees reasonably related
24 to the cost of providing services and carrying out its ongoing
25 responsibilities and duties. Initial and renewal fees shall be
26 established by the board of directors annually.

27 (d) The meetings of the organization shall be subject to the rules
28 of the Bagley-Keene Open Meeting Act (Article 9 (commencing
29 with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title
30 2 of the Government Code).